

AO 120 (Rev. 3/04)

TO:	Mail Stop 8	SEP 14 2007	SOLICITOR	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
	Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450			
U.S. PATENT & TRADEMARK OFFICE				

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Delaware on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 07cv551	DATE FILED 9/13/07	U.S. DISTRICT COURT DISTRICT OF DELAWARE
PLAINTIFF Santarus, Inc. And The Curators of the University of Missouri		DEFENDANT Par Pharmaceutical, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,699,885 B2	3/2/04	The Curators of the University of Missouri
2 6,489,346 B1	12/3/02	The Curators of the University of Missouri
3 6,645,988 B2	11/11/03	The Curators of the University of Missouri
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5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK PETER T. DALLEO, CLERK OF COURT	(BY) DEPUTY CLERK	DATE 9/14/07
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

SOLICITOR

To:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1114, you are hereby advised that a court action has been filed in the U.S. District Court United States District Court for the Western District of Washington on the following: X **Patents** or **Trademarks**:

DOCKET NO.	DATE FILED	US District Court United States District Court for the Western District of Washington
2:07-cv-01416-TSZ	9/12/07	
PLAINTIFF		DEFENDANT
Simulab Corporation		Synbone AG
PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.
1. See attached page for patent numbers 6,780,016	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.
5.	10.	15.

In the above-entitled case, the following patents(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	Amendment <u> </u> Answer <u> </u> Cross Bill <u> </u> Other Pleading <u> </u>	
PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.
1.	6.	11.
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In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK	(BY) DEPUTY CLERK	DATE
Bruce Rifkin	PM	9/14/07

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

07-CV-01416-CMP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIMULAB CORPORATION, a Washington
corporation,

Plaintiff,

v.

SYNBONE AG, a Swiss corporation,

Defendant.

07-1416 TSZ
COMPLAINT FOR PATENT
INFRINGEMENT

JURY DEMAND REQUESTED

Plaintiff Simulab Corporation ("Simulab"), for its complaint against defendant
Synbone AG ("Synbone"), alleges as follows:

I. NATURE OF THE ACTION

1. This is an action for patent infringement under the patent laws of the United
States. Plaintiff Simulab is the owner of U.S. Patent No. 6,780,016 (the '016 patent) entitled
"Human Surgical Trainer and Methods for Training." Simulab manufactures, rents and sells a
TraumaMan® System covered by the '016 patent claims. The TraumaMan® System is an
anatomical human body form designed for medical doctors, students and others to practice
surgical procedures taught in trauma surgical skills training. The TraumaMan® System
consists of human torso model with simulated human tissue structure made of an elastomeric
composition designed specifically for surgical dissection. Defendant Synbone recently
introduced a new product, the "PRO624 SYNMAN," for rent and sale in the United States

COMPLAINT FOR PATENT INFRINGEMENT - 1

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122980.0001/1421555.2

1 that infringes one or more claims of the '016 patent. Through this action, Simulab seeks a
2 preliminary and permanent injunction preventing Synbone from marketing, renting,
3 importing, offering to sell or selling the accused SYNMAN device in the United States and
4 for a recovery of damages caused by Synbone's infringing activities.

5 II. PARTIES

6 2. Plaintiff Simulab Corporation is a Washington corporation with its principal
7 place of business in Seattle, Washington. Simulab is the owner of the entire right, title, and
8 interest in U.S. Patent No. 6,780,016 (Ex. A).

9 3. Defendant Synbone AG is a Swiss corporation with its principal place of
10 business in Malans, Switzerland.

11 III. JURISDICTION AND VENUE

12 4. This Court has subject matter jurisdiction over this action pursuant to 28
13 U.S.C. §§ 1331 and 1338. This Court can properly exercise personal jurisdiction over
14 defendant because defendant is offering to sell the accused device to prospective customers in
15 the state of Washington.

16 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and
17 (c) and § 1400(b).

18 IV. PERTINENT FACTS

19 6. On August 24, 2004, the United States Patent and Trademark Office issued
20 U.S. Patent No. 6,780,016 entitled "Human Surgical Trainer and Methods for Training." The
21 inventor of the '016 patent is Christopher C. Toly. Mr. Toly assigned his entire right, title and
22 interest in the '016 patent to Simulab.

23 7. Simulab manufactures, rents and sells a TraumaMan® System covered by the
24 '016 patent claims in the United States and throughout the world. The TraumaMan® System
25 allows medical institutions and others to provide training in trauma response surgical
26 procedures as cricothyroidotomy, pericardiocentesis, chest tube insertion, and diagnostic

COMPLAINT FOR PATENT INFRINGEMENT - 2

1 peritoneal lavage. The TraumaMan® System product features include an anatomically
2 correct human body torso, simulated blood flow to the operative sites, an airway system that
3 provides an airway response to the operative sites and replaceable tissue, offering each
4 student a "first-cut" experience in performing surgical operations. Simulab's TraumaMan®
5 System and other products have been featured in episodes of *Grey's Anatomy*, the popular
6 hospital-based television drama set in Seattle.

7 8. Defendant Synbone recently introduced a new human torso surgical training
8 product for rent or sale in the U.S. market, the PRO624 SYNMAN (the "SYNMAN product"
9 or "accused SYNMAN device"). The SYNMAN product is described in a Synbone
10 newsletter (dated March 2007) in part as follows: "The SYNMAN enables trauma surgery
11 training for Cricothyroidotomy, Chest tube insertion, Pericardiocentesis, Peritoneal lavage
12 and puncture of the bladder. All areas are covered with a realistic skin, which can be replaced
13 as needed."

14 10. Defendant Synbone is infringing the Simulab's '016 patent by offering for sale
15 and rent, and, upon information and belief, by importing, renting and selling the accused
16 SYNMAN device in the United States. Upon information and belief, Synbone's infringing
17 conduct is willful.

18 V. CLAIM FOR '016 PATENT INFRINGEMENT

19 11. Plaintiff repeats and realleges each of the allegations contained in Paragraphs 1
20 through 10 of this complaint as if fully set forth herein.

21 12. Defendant has infringed and continues to willfully infringe one or more claims
22 of the '016 patent both literally and/or under the doctrine of equivalents in violation of 35
23 U.S.C. § 271(a) and/or (b).

24 13. Because of defendant's acts of infringement, plaintiff has suffered, is suffering,
25 and will continue to suffer irreparable injury unless defendant is preliminary and permanently
26 enjoined from continuing its unlawful infringing conduct.

COMPLAINT FOR PATENT INFRINGEMENT - 3

1 14. As a result of defendant's willful infringement of the '016 patent, plaintiff is
2 entitled to an award of compensatory and exemplary damages in an amount to be determined
3 at trial.

4 **VI. JURY TRIAL DEMAND**

5 Plaintiff hereby demands a trial by jury on all issues so triable.

6 **VII. PRAYER FOR RELIEF**

7 WHEREFORE, plaintiff Simulab Corporation requests that a judgment be granted in
8 its favor as follows:

9 A. That defendant Synbone has infringed and continues to infringe one or more
10 claims of the '016 patent pursuant to 35 U.S.C. § 271(a) and/or (b);

11 B. That defendant and all related parties (listed in Fed.R.Civ.P. 65(d)) are
12 preliminarily and permanently enjoined from further infringement of the '016 patent pursuant
13 to 35 U.S.C. § 283;

14 C. That defendant be ordered to account for and pay plaintiff actual and
15 exemplary damages to compensate plaintiff for defendant's acts of willful infringement
16 pursuant to 35 U.S.C. § 284;

17 D. That an order be entered directing the seizure and destruction of any infringing
18 accused SYNMAN devices that have been imported into the United States;

19 E. That this case be deemed exceptional and that plaintiff be awarded its costs its
20 reasonable attorneys' fees pursuant to 35 U.S.C. § 285 and other applicable statutes;

21 F. That the Court grant such other and further relief as it may deem just and
22 proper.

1 DATED: September 12, 2007

2 LANE POWELL PC

3
4 By



Randy P. Beighle, WSBA No. 13421

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Attorneys for Plaintiff Simulab Corporation

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COMPLAINT FOR PATENT INFRINGEMENT - 5

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